

FINAL STATEMENT OF REASONS
MINIMUM STANDARDS FOR JUVENILE FACILITIES
Title 15-Crime Prevention and Corrections
Division 1, Chapter 1, Subchapter 5

Article 1. General Instructions

Section 1300, Severability. The proposed revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

Section 1302, Definitions: This regulation defines terms used throughout these regulations. To provide clarity and consistency to these regulations, four definitions have been added, fourteen have been amended, and ten have been deleted.

Due to legislative change, the name Board of Corrections/Board has been replaced with Corrections Standards Authority/CSA in the following definitions:

- “Alternate means of compliance”
- “Appeal hearing”
- “Executive Director”
- “Filing date”
- “Hearing panel”
- “Minimum Standards for Local Detention Facilities”
- “Notice of decision”
- “Pilot project”
- “Proposed decision”
- “Request for appeal hearing”

The definition of “Board” has been renamed “CSA” based on legislative change, and the name “Board of Corrections” has been replaced with “Corrections Standards Authority” in the definition.

The definition for “cell extraction” has been added to add clarity to the new Title 15, Section 1363, Use of Reasonable Force to Collect DNA Specimens, Samples, Impressions. The term cell extraction is used in this regulation, but was previously not defined in regulation.

The definitions for:

- “Contact”
- “Inmate worker”
- “Jail”
- “Law enforcement facility”
- “Lockup”
- “Non-secure custody”
- “Secure detention”
- “Supervision in a law enforcement facility” and
- “Temporary custody”

have been deleted from juvenile regulations. These terms define situations relative to minors in adult facilities; regulations for minors in adult facilities have been transferred to adult regulations.

The definition “Department” has been deleted since the Youth Authority no longer exists.

The definition of “DNA” was developed to clarify the terms used in the new Title 15, Section 1363, Use of Reasonable Force to Collect DNA Specimens, Samples and Impressions. The term DNA is used in this regulation, but was not previously defined.

The definition of “Group Punishment” was developed to clarify for staff that any group of uninvolved minors must not be denied programming due to the actions of one or more minors except when the safety and security of the unit and/or facility may be in jeopardy. This term was added to Section 1390, Discipline during this revision process.

The definition “Intensive Supervision Unit” was added to address the range of program, classification, and security levels that must be considered during planning and construction of camps and ranches. This term is used in the modified Title 24 Section 460A.1.25, Special Purpose Juvenile Halls.

A grammatical change was made to the definition of “Licensed health care personnel” to correct an error.

The definition of “Living area” was changed to “Living unit,” and modifications were made to ensure that the definition applies to both juvenile halls and camps. Current regulations do not define a living unit in a camp; the definition previously applied only to juvenile halls. Moreover, Title 24, Part 2, Section 460A.1.5, Living Unit, already encompasses the specific requirements for a living unit in a juvenile hall. Changing the title of this definition ensures consistency throughout the regulations.

Section 1303, Pilot Projects. The proposed revisions reflect legislative action, replacing the Board of Corrections/Board with Corrections Standards Authority/CSA. There is no operational impact.

Section 1304, Alternate Means of Compliance. The proposed revisions reflect legislative action, replacing the Board of Corrections/Board with Corrections Standards Authority/CSA. There is no operational impact.

Article 2. Application of Standards and Inspections

Section 1311, Emergency Suspension of Standards or Requirements. The proposed revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

Section 1312, Juvenile Criminal History Information. The proposed revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

Section 1314, Appeal. The proposed revisions reflect legislative action, replacing the Board of Corrections/Board with Corrections Standards Authority/CSA. There is no operational impact.

Article 3. Training, Personnel and Management

Section 1320, Appointment and Qualifications. The proposed revisions reflect legislative action, replacing the Board of Corrections/Board with Corrections Standards Authority/CSA. There is no operational impact.

Section 1321, Staffing. The proposed revisions will clarify the intent of the regulation, that a juvenile facility should be adequately staffed to provide for the safety and security of the minors and staff. Although this provision can be implied from the regulation, it had not been previously stated.

The proposed revisions also reiterate that minors should not be denied required services, except in the case of exigent circumstances. The regulation would be re-numbered to emphasize the importance of this requirement.

The word “all” was deleted from the phrase “all operations” in the new section (d) to clarify that there is a core trained person on duty at all times who is responsible for operations. This would differentiate this person from a manager who would be responsible for ALL operations, who may or may not be core trained, and may not be on duty at all times.

The word “unit” was added to the phrase “living unit” in the new section (e) to clarify the intent of the regulation and ensure consistent use of language throughout the regulations.

Other grammatical changes were made to enhance readability and clarity of the regulation. These revisions should not have an operational impact for those facilities that are in compliance.

Section 1323, Fire and Life Safety. The proposed revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

Section 1324, Policy and Procedures Manual. The proposed revision would require that all facility administrators include a statement of non-discrimination in their facility policy and procedures manual. This revision would ensure compliance with current statutes (i.e., Penal Code Section 4030).

Revisions would also require facility administrators to include in the facility policy and procedures manual storage and maintenance requirements of chemical agents, if used. There is currently no requirement for such policy and procedures.

The revisions would also, replace the Board of Corrections with Corrections Standards Authority, reflecting legislative action. There is no operational impact.

Section 1325, Fire Safety Plan. The proposed revision aligns the regulation with Health and Safety Code Section 13146.1 (a) and (b) regarding fire inspection requirements, deleting the requirement for annual inspections. The Health and Safety code currently requires biennial inspections; although this statute is subject to change.

Article 4. Records and Public Information

Section 1340, Reporting of Legal Actions. The proposed revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

Section 1341, Death and Serious Illness or Injury of a Minor While Detained. The proposed revisions will require the facility administrator, health administrator and the mental health administrator to cooperatively develop written policies and procedures regarding deaths, suicide attempts and notifications. The current regulation only requires the facility administrator to develop such policy. The revision will encourage cooperation and consistency between the facility administrator, health administrator and mental health administrator.

The revisions also replace the Board of Corrections with Corrections Standards Authority, reflecting legislative action. There is no operational impact.

Section 1342, Population Accounting. The proposed revisions reflect legislative action, replacing the Board of Corrections/Board with Corrections Standards Authority/CSA. There is no operational impact.

Section 1343, Juvenile Facility Capacity. The revisions reflect legislative action, replacing the Board of Corrections/Board with Corrections Standards Authority/CSA. There is no operational impact.

Article 5. Classification and Segregation

Section 1350, Admittance Procedures. The proposed revision would require juvenile hall administrators to establish written criteria for detaining youth. This change would ensure clarity between the procedures for admittance versus detention in a juvenile hall.

Section 1353, Orientation. The proposed revisions would require additional information to be included in the orientation process. Consensus in the field is that anxiety in the minors may be alleviated if they are aware that such additional services are available to them.

Section 1357, Use of Force. The proposed revisions in section (a) 1 would clarify expectations with regard to the level of force used.

Proposed revisions would also add follow-up procedures to be defined in policy for medical and mental health staff concerning the use of force.

Finally, revisions would require that specific items be covered by training, and would require that policy and procedures include a provision for an administrative review into all uses of force.

Section 1360, Searches. The proposed changes delete the duplication of statute and require facility administrators to develop a search policy for minors who are returning from activities outside the living unit, court, or visiting. This change will ensure that minors who are off the living unit for any period of time are less likely to introduce contraband into the living units.

Section 1361, Grievance Procedure. The revision would require facilities to revise procedures to create an avenue for confidential submission of a grievance. Under this requirement, minors would be able to file a grievance without fear of retribution.

A comment received during the 45-day public comment period suggested that the word “prompt” be added to section (d) to ensure that grievances are reviewed without delay. Additionally, the word “confidentiality” in the new section (b) was moved to read more clearly in the modified revisions.

The modifications received do not change the intent of the originally proposed regulation.

Section 1363, Use of Reasonable Force to Collect DNA Specimens, Samples, Impressions. This is a new regulation. There is no current regulation regarding the use of force in the collection of DNA specimens in juvenile facilities. Pursuant to statute, the CSA was required to develop such a regulation. The impact would be minor for most facilities, as most facilities already have CSA submittal procedures in place and already have policies for the collection of DNA specimens.

Comments received during the 45-day public comment period prompted further refinement of the language in this regulation to ensure that it was specific to juvenile facilities. Penal Code citations were also changed to reflect the correct codes and requirements.

Additionally, the regulation was written so that the supervising officer on duty may authorize the use of force, which is a more appropriate term for applicable facilities.

Other modifications to the original proposed regulation included grammatical changes and deleting redundant language in section (2) (c). The language deleted is already a requirement in another regulation, Section 1452, Collection of Forensic Evidence.

The modifications received do not change the intent of the originally proposed regulation.

Article 6. Programs and Activities

Section 1370, Education Program. The proposed revisions would clarify the annual education review requirements for the superintendent of schools and require consistency with the State Education Code.

Section 1374, Visiting. The proposed revision would increase the total number of hours that a minor should be given opportunity for visitation from one hour to two hours per week. Many facilities already exceed the current one hour visitation per week requirement and consensus in the field is that minors should be allowed ample time for family reunification purposes.

Section 1375, Correspondence. The proposed revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

Section 1377, Access to Legal Services. The proposed revision would require facilities to allow cost-free telephone access to legal representation as appropriate. Many facilities provide such a service and this revision would clarify the regulation's intent.

Additional modifications reflect suggestions received during the 45-day public comment period; authorized representatives were added to the individuals that may be accessed by the minor with respect to legal services. This is consistent with actual practice, wherein legal representatives other than attorneys may need to meet with the minor to discuss legal matters.

Section 1378, Social Awareness Program. The proposed revision would ensure that appropriate social awareness programs are gender specific. This revision clarifies the regulation's intent.

Article 7. Discipline

Section 1390, Discipline. The proposed revision would prohibit group punishment; this revision will not restrict staff's ability to control a group for security purposes. This revision will clarify the regulation's intent that a group's rights or privileges may not be denied due to the action of one minor or a small group of minors.

Article 8. Health Services

Section 1407, Confidentiality. The current regulation addresses the need for probation, medical and mental health professionals to share health information for the well being of the minor, but is silent regarding a minor's right to discuss medical and mental health concerns in a confidential manner. The proposed revision would address this issue and remind probation and health care professionals of their responsibility to afford privacy during health care encounters. The proposed language will add clarifying language, and will not affect facility operations.

Section 1437, Mental Health Services and Transfer to a Treatment Facility. The proposed revision would reiterate that an initial mental health evaluation may occur at the juvenile facility prior to a decision to transfer the minor to a designated treatment facility for further evaluation. The proposed change would clarify the regulation's intent, and would not affect facility operations.

Section 1438, Pharmaceutical Management. The proposed revisions would add the term “health care personnel” after “Licensed” in subsection (b) (7) to make it clear that either appropriately *licensed* health care personnel or trained non-licensed personnel may deliver medication acting on the order of a prescriber. The proposed language clarifies the regulation’s intent and would not affect facility operations.

Section 1439, Psychotropic Medications. Proposed regulations would amend subsection (d) to clarify that, as with all medications, the administration of psychotropic medications should be guided by appropriate clinical judgment, and not be used as a means of coercion, discipline, convenience or retaliation. The proposed language clarifies the regulations intent and would not affect facility operations.

Section 1450, Suicide Prevention Program. The proposed revisions will add clarifying language that will require facilities to incorporate prevention of, and response to, mental health crisis situations in written policy and procedures. This revision recognizes and clarifies that prevention and response are critical incidents where suicidal behavior is concerned.

Revisions will also clarify the requirements for staff training for suicide prevention and add that emergency response protocols for self-injurious behaviors also be included in training. This revision continues to allow counties to develop ongoing training based upon their needs, but also recognizes the need for training regarding emergency response protocols for self-injurious behaviors.

Grammatical changes were made to enhance clarity.

Article 9. Food

Section 1461, Minimum Diet. The proposed revisions update references to current nutritional requirements. There will be no operational change required by these revisions.

Section 1462, Therapeutic Diets. To provide greater clarity, it is proposed that the title of this regulation be changed to “Medical” Diets, and that the term “therapeutic” be replaced with “medical” throughout the regulation to reflect that medical staff has prescribed the diet. The term “medical” is more accurate and is more frequently used in practice.

Article 10. Clothing and Personal Hygiene

Section 1480, Standard Facility Clothing Issue. The proposed revision is intended to afford greater clarity and consistency in facilities where stain-free undergarments are concerned. Interpretation in the field as to what was “substantially stain free,” as required by the current regulation, varied significantly between counties. This revision will eliminate this confusion and will not affect facility operations.

Article 11. Bedding and Linen

Section 1501, Bedding and Linen Exchange. The proposed revision would change the requirement that the covering blanket be cleaned or laundered least every three months to once a month. This parallels the requirement in the Minimum Standards for Local Detention Facilities. Statewide, facilities are phasing out wool blankets, which require less frequent laundering, in favor of blankets of cotton or synthetic fiber for two reasons: 1) cotton or synthetic blankets are easier to clean and 2) many minors have an allergic reaction to wool. This change will have a very minor effect on facility operations because sheets, mattress covers and pillowcases already need to be laundered each week.